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Inventor(s): John C. Harvey
James W. Cuddihy
Serial No.: 08/056,501
Filing Date: May 3, 1993

Patent No.: 5,335,277
Issue Date: Aug 94

Hon. Commissioner of Patents and Trademarks
Please place the Patent Office receipt stamp hereon to acknowledge receipt of the following:

1. Notification of Change in Status Under 37 C.F.R. § 1.28(b) and Payment of Issue Fee Deficiency Under 37 C.F.R. § 1.28(c)
2. Check - \$585.00
3. Verified Statement in Support of Notification of Change in Status Under 37 C.F.R. § 1.28(b) and Payment of Issue Fee Deficiency Under 37 C.F.R. § 1.28(c)

Docket No. 5634/7

Thomas J. Scott, Jr. (Reg. No. 27,836)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John C. Harvey, James W.
Cuddihy

Patent No.: 5,335,277

Issue Date: 02 Aug 94

Serial No.: 08/056,501

Filing Date: 3 May 93

For: Signal Processing Apparatus and Methods

Commissioner of Patents and Trademarks
Washington D.C. 20231

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NOTIFICATION OF CHANGE IN STATUS UNDER 37 C.F.R. § 1.28(b) AND
PAYMENT OF ISSUE FEE DEFICIENCY UNDER 37 C.F.R. § 1.28(c)

S I R:

Pursuant to 37 C.F.R. § 1.28(b), Attorneys for Applicants hereby provide notification that Personalized Mass Media Corporation ("PMMC"), the assignee of U.S. Patent No. 5,335,277, no longer qualifies for small entity status under M.P.E.P. § 509.02 and 37 C.F.R. § 1.9 for paying reduced patent fees for U.S. Patent No. 5,335,277. PMMC lost its entitlement to small entity status for U.S. Patent No. 5,335,277 in March, 1994 as a result of a license agreement with a large entity. Applicants and Attorneys for Applicants were unaware that PMMC lost its entitlement to small entity status in March, 1994 and inadvertently paid the reduced issue fee for U.S. Patent No. 5,355,277 on May 12, 1994 claiming small entity status.

In accordance 37 C.F.R. § 1.28(c), enclosed herewith is a check for \$585.00, the deficiency between the amount paid as an issue fee on May 12, 1994 (\$585.00) and the amount due (\$1170.00). A verified statement explaining how the error in good faith occurred and how and when it was discovered is filed herewith since the deficiency is

being paid more than three months after the error occurred (May 12, 1994). Applicants request that this error be excused.

Respectfully submitted,



Thomas J. Scott, Jr. (Reg. No. 27,836)

Dated: January 10, 1995

HOWREY & SIMON

1299 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2402

(202) 783-0800 (telephone)

(202) 383-6610 (telecopier)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John C. Harvey, James W.
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Patent No.: 5,335,277

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**VERIFIED STATEMENT IN SUPPORT OF NOTIFICATION OF CHANGE IN STATUS
UNDER 37 C.F.R. § 1.28(b) AND PAYMENT OF ISSUE FEE
DEFICIENCY UNDER 37 C.F.R. § 1.28(c)**

S I R:

1. I, Thomas Jefferson Scott, Jr., was the attorney for the Applicants of the above-captioned patent, U.S. Patent 5,335,277 during its prosecution before the U.S. Patent & Trademark Office.

2. In March, 1994, Personalized Mass Media Corporation, Inc. ("PMMC"), assignee of U.S. Patent No. 5,335,277, licensed U.S. Patent No. 5,335,277 to Starsight Telecast, Inc. ("Starsight"). Up until December, 1994, I believed that Starsight was entitled to small entity status for the purpose of paying patent fees.

3. On May 12, 1994, I forwarded payment of the issue fee of \$585.00 to the U.S. Patent & Trademark Office for U.S. Patent No. 5,335,277, claiming small entity status for the assignee, PMMC. At that time, I believed that PMMC was entitled to status as a small entity.

4. From March, 1994 until December, 1994, I believed that PMMC was entitled to retain its status as a small entity and that PMMC's license to Starsight did not affect PMMC's small entity status.

5. From March, 1994 until December, 1994, I believed that Starsight was also a small entity.

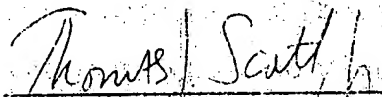
6. In 1992, Starsight licensed one or more of its patents to Zenith, a large entity corporation. As a result, Starsight lost its entitlement to small entity status.

7. While I was aware that Starsight has entered into licenses with other parties, I was unaware that Starsight had lost its small entity status as a result of a license with Zenith back in 1992.

8. At a meeting in my offices in December, 1994, Mr. Stephen McCandless, Senior Vice President - Finance of PMMC, informed me that Starsight may have previously licensed one or more of its patents to a large corporation. On or around December 19, 1994, Mr. Eric Willgoos, Patent Counsel for Starsight, confirmed that Starsight had lost its small entity status back in 1992 as a result of its license to Zenith and other companies. Before December, 1994, I was unaware that Starsight had lost its entitlement to small entity status.

9. Soon thereafter, I reviewed my file for U.S. Patent No. 5,335,277 and discovered that the issue fee was erroneously paid as a small entity on May 12, 1994, since PMMC was not entitled to small entity status after March, 1994. This verified statement was then prepared and the issue fee deficiency was paid to correct this inadvertent error.

Respectfully submitted,



Thomas J. Scott, Jr. (Reg. No. 27,836)

Dated: January 10, 1995

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